

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,

v.

IVAN DUANE BRADEN

)
)
)
)
)

**No. 3:04-CR-163
(Phillips)**

ORDER

By order of this court entered August 23, 2006, defendant was committed for treatment at FMC Butner, North Carolina. The court has received the report and evaluation from FMC Butner indicating that defendant has completed his treatment and is now competent to stand trial [Doc. 57]. A competency hearing was held on April 3, 2007, at which time defendant stated, through counsel, that he did not contest the findings of competency made by Edward Landis, Ph.D. and by Ralph Newman, M.D., that defendant demonstrates the capacity to understand the nature and consequences of the proceedings against him and can assist his attorney in preparing a defense.

After carefully considering defendant's forensic evaluation, the materials produced, the statements of counsel for defendant and for the government, and the record as a whole, the court finds by a preponderance of the evidence that defendant is not presently suffering from a mental disease or defect rendering him mentally incompetent to

the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C. § 4241(d).

Defendant has filed a motion to withdraw his guilty plea [Doc. 44]. The government shall file its response to defendant's motion by **April 13, 2007**. The court will conduct an evidentiary hearing on the motion on **May 3, 2007 at 9:00 a.m.**

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge